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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/690,313

10/17/2000

James L. Keesey

SLT9-2000-0052US1

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08/15/2005

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EXAMINER

HAN, QI

ART UNIT

PAPER NUMBER

2654

DATE MAILED: 08/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/690,313

Applicant(s)

KEESEY ET AL.

Examiner

Qi Han

Art Unit

2654

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 19 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**RICHEMOND DORVIL**  
**SUPERVISORY PATENT EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: the applicant's arguments (Remarks) filed on 07/19/2005, regarding examiner's rejection under 35 USC 103 in the final office action dated 04/19/2005, are not persuasive.

a. In response to applicant's argument regarding obviousness for combining references that "there is not, however, a motivation to combine any of these references with any other of references solely on the references being in the same field of endeavor" and "prima facie case of obvious has not been established" (Remarks: page 2, paragraph 3 to page 3, paragraph 1), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). As indicated in the section of Response to Arguments in the final office action, in this case, the obviousness is based on the prior art teachings and/or common knowledge in the art, because both references are in the same field of endeavor, including using speech recognition/speech-to-text, providing speech processing services through network, and using voice communication channels and wireless devices. Particularly, for example, Alpdemir teaches verifying the identity from a registered telephone number (also be a device identifier) (column 6, line 20-23), and King also suggests using phone number as the contact information for the speech recognition server (column 6, lines 35-41), which clearly provides obviousness and motivation to combine the two references for the argued subject matter. Further, the claim rejection recites 'for the purpose of offering easy access of the service for business and consumers (Alpdemir: column 2, lines 26-28)' (see details in the rejection for claim 14 in the final office action), which also clearly provides obviousness and motivation to combine the references.

b. In response to applicant's arguments that "the asserted combination of art fails to teach or suggest all the limitations of the claims" and "would not include... 'determining whether to filter the translated text and if it is determined that the translated text it to be filtered, applying a filter to the translated text' " (Remark: page 3, paragraph 2 to page 4, paragraph 1), the examiner respectfully disagrees with the applicant and has a different view of the prior art teachings and the claim interpretation. It is noted that the above argued claim limitation regarding filtering text is quite broad, since it is just "filtering the translated text if needed" and there is no specific limitation of what should be passed or removed (filtered) and how to apply a filter to the text. It is also noted that, as stated in the claim rejection, King teaches 'converting the symbolic data file to a data format that may be optimally transported on wireless network' and 'a text file ... may be reformatted so as to more compatible with requesting mobile device' (interpreted as a filter or filtering function), which is properly read on the above broad claimed limitation.

c. In response to applicant's arguments (Remarks: page 4, paragraph 3) regarding claim 2-4, 17-19 and 30-32), it noted that applicant's arguments are based on the same issues for the corresponding parent claims, therefore, the response is based on the same reason as indicated above (see paragraphs a and b).

For the above reasons, the examiner believes that the applicant's argument is not persuasive and the final rejection is sustained.